

KELLER AND HECKMAN LLP

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1001 G STREET, N.W.
SUITE 500 WEST
WASHINGTON, D.C. 20001
TELEPHONE 202.434.4100
FACSIMILE 202.434.4646
WWW.KHLAW.COM

March 25, 2003

Nicole B. Donath
(202) 434-4293
donath@khlaw.com

Via Electronic Filing

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: ET Docket No. 95-18
IB Docket No. 01-185
WT Docket No. 02-353
Ex Parte Notice

Dear Ms. Dortch:

This is to advise you that on March 25, 2003, Nicole Donath and Randy Young of Keller and Heckman LLP, counsel for the American Petroleum Institute ("API"), met with Ira Keltz, Tom Derenge, Jamison Prime and Gary Thayer of the Federal Communications Commission's Office of Engineering and Technology to discuss certain matters relating to the above-referenced proceedings.

In particular, the purpose of the meeting was to discuss the technical standard to be employed to assess the potential for interference to Fixed Service incumbent licensees in the 2.1 GHz band by Mobile Satellite Service ("MSS") providers that seek to integrate Ancillary Terrestrial Components ("ATCs") into their MSS networks. Counsel for API expressed the view, consistent with API's previously-filed comments in IB Docket No. 01-185, that the Telecommunications Industry Association ("TIA") Technical Service Bulletin 10-F ("TSB 10-F") criteria should be employed for these purposes. An outline of API's position, attached hereto, was provided to the Commission's staff. In the course of a brief ensuing discussion regarding the general 2.1 GHz band relocation framework, counsel for API also reiterated its view that the first new service licensee to seek use of an incumbent's spectrum should pay to relocate both paths within a paired Fixed Service microwave link (with a right to partial reimbursement from any subsequent new entrant that benefited from the relocation).

WASHINGTON, D.C.

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LAW OFFICES

Pursuant to Section 1.1206 of the Commission's rules, this notice was filed electronically in the above-captioned proceedings. Should the Commission require further information, it is respectfully requested to contact the undersigned.

Very truly yours,

/s/ Nicole B. Donath

Nicole B. Donath

cc: Ira Keltz, Deputy Chief, Policy and Rules Division, Office of Engineering and Technology
Thomas Derenge, Chief, Spectrum Policy Branch, Office of Engineering and Technology
Jamison S. Prime, Attorney, Office of Engineering and Technology
Gary R. Thayer, Attorney/Electronics Engineer, Office of Engineering and Technology
Trey Hanbury, International Bureau

Attachment

ATTACHMENT

Issue: What technical standard should be employed to assess the potential for interference to 2.1 GHz band Fixed Service (FS) incumbent licensees by Mobile Satellite Service (MSS) providers that are seeking to integrate Ancillary Terrestrial Components (ATCs) into their MSS networks?

- TIA's TSB-86 standard was developed to analyze only MSS (satellite) to FS interference; would not be appropriate for assessing interference to FS systems by MSS terrestrial operations
 - Would not accurately predict likelihood of interference from ATC operations because the arrival angle at the victim receiver of a potential ATC interference source would be different than the arrival angle of a potential MSS satellite interference source
- For analyzing ATC to FS interference, TSB-10F should be used, in conjunction with the National Spectrum Managers Association's coordination procedures set forth in WG20.94.045
 - TSB-10F and WG20.94.045 were used successfully to assess PCS/FS interference; should accurately predict interference in the ATC/FS context as well
- Obligation to relocate an incumbent FS licensee should be triggered by a demonstration of potential interference under the applicable test (TSB-86 for MSS satellite operations; TSB-10F for MSS terrestrial operations), rather than a showing of actual interference
- In its NPRM in IB Docket No. 01-185, the FCC sought comment on this issue (NPRM at ¶ 76)
 - API filed comments consistent with the foregoing
 - New ICO Global Communications (New ICO) agreed in its comments that TSB-10F would be the appropriate standard for assessing interference to an FS incumbent by MSS/ATC operations (Comments of New ICO at page 51)
 - API is not aware of any comments expressing an alternative view on this issue